

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

UNION PACIFIC RAILROAD COMPANY

Petitioner,

vs.

TOWNSHIP OF GENEVA, et al.,

Respondents,

:
:
:
:
: T01-0040
: On Rehearing
:
:
:

STAFF OF THE ILLINOIS COMMERCE COMMISSION'S
PRETRIAL REPORT

Pursuant to the Administrative Law Judge's ("ALJ") pretrial order of November 4, 2004, the Staff of the Illinois Commerce Commission ("Staff") by its attorney, Diana G. Collins, Special Assistant Attorney General, submits this Pretrial Report as its response.

(1)

(a) An estimate of how long the evidentiary hearing will take.

Approximately one day.

(b) A list of the safety issues, if any, that affect whether the crossing should be closed.

Staff anticipates that the evidence already in the record in this matter will be the only evidence presented in regard to safety issues. Those issues include compliance with 92 Ill. Adm. Code 1535.701 and the pertinent provisions of the Manual on Uniform Traffic control Devices.

(c) A statement of the party's position on whether each of the criteria for crossing closure enumerated in 92 Ill. Adm. Code 1536.20 apply to this crossing.

Pursuant to 92 Ill. Adm. Code 1536.20 (j), "The Commission shall order the crossing closed if it meets the criteria set forth in subsections (d), (f),

(g) and (i) of this Section or if, under the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401] (ICTL), the Commission finds, based on the totality of evidence presented, that public safety requires the crossing be closed and that public convenience served by the crossing in question is not such as to justify its further retention..."

- (d) If the party seeks closure of the crossing, a list of all of its bases for the closure that are not included in 92 Ill. Adm. Code 1536.20.

Staff does not seek, but does support, the closure of this crossing.

- (e) A brief statement of the specific relief sought by the party and how the Commission's questions affect that relief.

This question is not applicable to Staff.

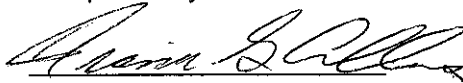
- (f) A list of the party's proposed witnesses.

None.

- (g) A list of the party's proposed exhibits.

None.

Respectfully submitted,



Diana G. Collins
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Counsel for the Staff of the
Illinois Commerce Commission

November 17, 2004

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

UNION PACIFIC RAILROAD COMPANY
Petitioner,

vs.

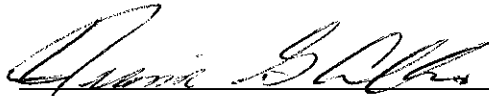
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NOTICE OF FILING

TO: See Attached Service List

Please take notice that I have this 17th day of November, 2004, forwarded to the Director of Processing, Transportation Division, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, for filing in the above-captioned docket an original and three copies of this PRETRIAL REPORT, a copy of which is served upon you.

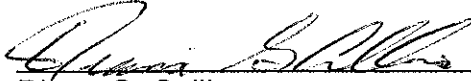


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Commerce Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Notice of Filing, together with the documents referred to therein, have been served upon the parties to whom this Notice is directed, by First Class Mail, proper postage prepaid, from Chicago, Illinois, on the 17th day of November, 2004.



Diana G. Collins

SERVICE LIST
T01-0040

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